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26
27 **UNITED STATES DISTRICT COURT**
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29 **NORTHERN DISTRICT OF CALIFORNIA**

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ALLEN M. METZGER, on behalf of himself and all others similarly situated, } No. C-07-04686-MHP
Plaintiff, } CLASS ACTION
v. }
LUMINENT MORTGAGE CAPITAL, INC., }
GAIL P. SENECA, SEWELL TREZEVANT }
MOORE, JR., and CHRISTOPHER J. ZYDA, }
Defendants. }

I, Nicole Lavallee, declare as follows:

1. I am a partner in the San Francisco office of Berman DeValerio Pease Tabacco Burt & Pucillo. I submit this declaration in support of the Administrative Motion to Consider Whether Cases Should Be Related Pursuant to Civil L.R. 3-12 and 7-11.

2. Attached hereto as Exhibit A is a true and correct copy of the class action complaint entitled *Leone v. Moore, et al.*, Case No. C-07-04073-JCS, filed on August 8, 2007 and assigned to the Honorable Joseph C. Spero.

3. Attached hereto as Exhibit B is a true and correct copy of the class action complaint entitled *Rosenbaum Capital LLC v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04096-SI, filed on August 9, 2007 and assigned to the Honorable Susan Illston.

4. Attached hereto as Exhibit C is a true and correct copy of the class action complaint entitled *Howard J. Kaplowitz IRA v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04140-PJH, filed on August 10, 2007 and assigned to the Honorable Phyllis J. Hamilton.

5. Attached hereto as Exhibit D is a true and correct copy of the class action complaint entitled *Greenberg v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04141-SBA, filed on August 13, 2007 and assigned to the Honorable Saundra B. Armstrong.

6. Attached hereto as Exhibit E is a true and correct copy of the class action complaint entitled *PEM Resources LP v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04184-WHA, filed on August 15, 2007 and assigned to the Honorable William H. Alsup.

7. Attached hereto as Exhibit F is a true and correct copy of the class action complaint entitled *Metzger v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04686-MHP, filed on September 11, 2007 and assigned to the Honorable Marilyn Hall Patel.

8. All of these actions allege that defendants made materially false and misleading statements regarding Luminent's business and financial results.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of September 2007, at San Francisco, California.

~~NICOLE LAVALLEE~~

[C-07-04686-MHP] LAVALLEE DECL ISO ADMIN MTN
TO CONSIDER WHETHER CASES SHOULD BE RELATED